

# Notice of Allowability

Application No.

09/753,093

Examiner

Carlos Lugo

Applicant(s)

LEI, JONATHAN L.

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment filed on April 14, 2006.
2. ☒ The allowed claim(s) is/are 84-92 and 105-130.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

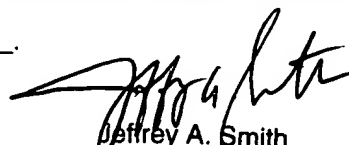
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
Jeffrey A. Smith  
Primary Examiner

### **DETAILED ACTION**

1. This Office Action is in response to applicant's amendment filed on April 14, 2006.

#### ***Allowable Subject Matter***

2. **Claims 84-92 and 105-130 are allowed.**

#### **Reasons For Allowance**

3. The following is an examiner's statement of reasons for allowance:

Claims 84,105,114-117, and 130 are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth.

Gates (US 6,430,576) discloses a self contained capsule (object, Col. 1 Line 44 to Col. 2 Line 57) comprising a machine readable storage medium including data and a machine readable program code, storage on the machine readable storage medium having instructions (methods).

The instructions, when executed, initiate interaction between the participant and the capsule by receiving input (when the object is send to the clients), modify the data by receiving input to create modified data (when the client modified the object).

Kawan (US 6,442,532) and Alley (US 5,845,282) teaches the use of wireless devices in transaction between to parts.

However, Gates, as modified by Kawan and Alley, fails to disclose that when the instructions are executed, the entire capsule, which includes the modified data and the code, will be transfer from one device to another participant's device. Gates only discloses the transfer of modified data, not the modified data plus the code or logic.

Knowlton (US 6,061,057) discloses a self-contained capsule (visual object) comprising a machine-readable storage medium including data. However, Knowlton fails to disclose that the capsule includes a machine-readable program code, storage on the machine readable storage medium that has instructions, that when executed, initiate interaction between the participant and the capsule by receiving input, modify the data by receiving input to create modified data, and transfer the entire capsule, which includes the modified data and the code, from one device to another participants.

Knowlton discloses that the visual object only includes data and that the server system and the buyer system is the one that includes the logic that performs the interaction between the visual object and the system and includes a broadcast medium to send the object.

Tryllian mobile agents (Tryllian) discloses a self contained capsule (mobile agent) comprising a machine readable storage medium including data and a machine readable program code, storage on the machine readable storage medium having instructions.

The instructions allow the receiving of input, the modification of data and the transfer of the capsule.

However, Tryllian fails to disclose that the instruction, when executed, initiate interaction between the participant and the capsule by receiving input and the transfer of the capsule from one device to the other.

Tryllian capsule, having data and logic, is send by a user with a specific task (like for example, look for a stereo), to a mobile market place. Inside this market, the capsule interacts with another capsules in order to complete his task. When the capsule finishes his task (it found a stereo), the capsule itself is send back to the user. The capsule never goes and interacts with another participant device so that the other participant can modified the data.

Mital (US 5,664,228) discloses a self contained capsule (PID 30, 104) comprising a machine readable storage medium including data and a machine readable program code, storage on the machine readable storage medium having instructions (methods).

The instructions, when executed, initiate interaction between the participant and the capsule by receiving input (input form the keypad of the PID or when the PID is inside the computer port), modify the data by receiving input to create modified data.

However, Mital fails to disclose that when the instructions are executed, the entire capsule, which includes the modified data and the code, will be transfer from one device to another participant's device. Mital only discloses the transfer of modified data, not the modified data plus the code or logic. Mital discloses that logic is inserted to the PID, but not transferred.

Cesaire (US 5,942,738) discloses a similar device as the one described by Mital. And also, Cesaire fails to disclose that when the instructions are executed, the entire capsule, which includes the modified data and the code, will be transfer from one device to another participant's device.

Ginter (US 5,892,900) discloses a self contained capsule (VDE) comprising a machine readable storage medium including data and a machine readable program code, storage on the machine readable storage medium having instructions (methods).

However, Ginter fails to disclose that when the instructions are executed, the entire capsule, which includes the modified data and the code, will be transfer from one device to another participant's device. Ginter only discloses the transfer of modified data, not the modified data plus the code or logic.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

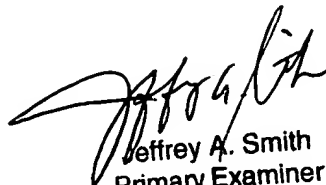
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3676

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo  
Patent Examiner AU 3676  
July 5, 2006.



Jeffrey A. Smith  
Primary Examiner